IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4988 OF 2003

Thane Municipal Corporation Petitioner

versus

Ganpat Pandu Bhandare Respondent

Shri R.S.Apte for petitioner.

Ms.Nayana Thatte i/by S.M.Oak with S. B. Vaishampayan for petitioner.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9th January 2006

PC :

1. Heard Shri Apte for the petitioner Corporation and Ms.Thatte appearing for respondent.

2. The Lower Appellate Court has granted an injunction in favour of the respondent-original plaintiff restraining the petitioner Corporation from demolishing the structure in question. In my view, no useful purpose will be served by now going into the merits of the matter. Moreso, when an interlocutory order in the suit is

challenged by the petitioner Corporation. Learned counsel for parties invited my attention to the order passed by this Court on 21st July 2003 directing that status-quo as on that date be maintained. In other words, no addition or alterations can be carried out to the structure by the respondent-plaintiff nor shall the Corporation demolish it till the suit is heard and disposed of in accordance with law. The order of status-quo naturally would mean that the respondent cannot induct third parties in the suit structure. The order of Lower Appellate Court stands modified to the extent indicated above. With consent of parties this petition is disposed of by directing the Trial Court to decide the suit as expeditiously as possible. All contentions of both sides on merits are expressly kept open.

(S.C.DHARMADHIKARI, J.)